

FILED

APR 22 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

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**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al.,

Petitioners,

Docket No. 2009-019
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

**NOTICE OF SUPPLEMENTAL DEPOSITION OF UTAH DIVISION OF OIL, GAS AND
MINING PURSUANT TO RULE 30(b)(6)**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to order of the Utah Board of Oil, Gas and Mining
and Utah Rule of Civil Procedure 30(b)(6) and subsequent agreement, petitioners Utah Chapter of

the Sierra Club (“Sierra Club”), Southern Utah Wilderness Alliance (“SUWA”), Natural Resources Defense Council (“NRDC”), and National Park Conservation Association (“NPCA”) (collectively, “Petitioners”) will take the supplemental deposition(s) upon oral examination of the person(s) most qualified for respondent Utah Division of Oil, Gas and Mining (“the Division”) concerning the topics described below. The deposition(s) shall commence at 1:30 p.m. on April 27, 2010, at the offices of the Southern Utah Wilderness Alliance, 425 East 100 South, Salt Lake City, Utah. The deposition(s) will be recorded stenographically before an officer authorized by law to administer oaths.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to the subjects listed below:

A. The terms “You,” “Your,” and “the Division” mean the Utah Division of Oil, Gas and Mining, including all of its leadership, administrators, officers, personnel, and all of its locations including all administrative locations, and all subsidiary organizations, affiliates, and all past or present leaders, administrators, officers, and personnel, and attorneys, persons or other entities acting on behalf of any person or office of the Division.

B. The terms “and” and “or” are terms of inclusion and not of exclusion and are to be construed either disjunctively or conjunctively as necessary to bring within the scope of these topics any responses that might otherwise be construed to be outside their scope. The word “all” shall mean “any and all.”

C. Nouns, whether singular or plural herein, shall be construed either as singular or plural as necessary to bring within the scope of these topics any responses which might otherwise be construed to be outside their scope.

D. The word “including” means “including without limitation,” as appropriate, so as to bring within the scope of the topic all responses that might otherwise be construed to be outside of its scope.

DEPOSITION TOPICS

Pursuant to Utah Rule of Civil Procedure 30(b)(6), the Division shall designate to testify on its behalf the person or persons most knowledgeable concerning each of the following matters:

1. each water quality datum or other information upon which the Division relied in specifying 3,000 milligrams per liter as the material damage criterion or threshold-of-concern level for total dissolved solids at the Coal Hollow mine, other than those concerning which the Division’s witnesses have previously testified; and

2. the role of April Abate in the Division's analysis and approval of the permit application at issue in this proceeding, including but not limited to any information known to Ms. Abate which conflicts with or augments the Division's prior deposition testimony.

Dated: April 22, 2010

Respectfully submitted,

By: **Stephen
Bloch**

Digitally signed by Stephen Bloch
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Date: 2010.04.22 09:12:36 -06'00'

Attorneys for Utah Chapter of the
Sierra Club, *et al.*

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April, 2010, I served a true and correct copy of
**NOTICE OF SUPPLEMENTAL DEPOSITION OF UTAH DIVISION OF OIL, GAS AND
MINING PURSUANT TO RULE 30(b)(6)** on each of the following persons via electronic mail:

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**Stephen
Bloch**

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